

City Council Introduction: **Monday**, February 12, 2001  
Public Hearing: **Monday**, February 26, 2001, at **5:30 p.m.**

Bill No. 01R-41

## **FACTSHEET**

**TITLE:** **SPECIAL PERMIT NO. 1313A**, an amendment to Special Permit No. 1313, requested by Brian D. Carstens and Associates on behalf of Hampton Enterprises, to extend the time period and reduce the area of a special permit for ***Temporary Storage of Construction Equipment and Materials*** on property generally located at approximately 84<sup>th</sup> Street and Glynoaks Drive.

**STAFF RECOMMENDATION:** Conditional Approval, with revision to Condition #1.1.2.

**ASSOCIATED REQUESTS:** Change of Zone No. 3288 (01-26); Change of Zone No. 3272 (01-25); Special Permit No. 1876 (01R-42); and Preliminary Plat No. 00021, Hartland Homes East 1<sup>st</sup> Addition (01R-43).

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/01/00  
Administrative Action: 11/01/00

**RECOMMENDATION:** Conditional Approval, with staff recommended revision to Condition #1.1.2 (7-0: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Duvall and Hunter absent).

### **FINDINGS OF FACT:**

1. This amendment to Special Permit No. 1313 is associated with Change of Zone No. 3288 (text amendment), Change of Zone No. 3272, Special Permit No. 1876 and Preliminary Plat No. 00021, Hartland Homes East 1<sup>st</sup> Addition.
2. The Planning staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3, concluding that the intent of the special permit is for the use to be temporary as the surrounding area develops. The surrounding neighborhood, while more developed than in 1989 (when the permit was first approved), is still not completely developed. The temporary site is well buffered from surrounding residential uses for the moment due to the existing tree masses, screening and physical distance over several hundred feet to the nearest planned residential dwelling unit. Once this property develops residentially, the construction storage yard should be removed. The special permit is for a temporary basis. It has existed on the site for over 11 years. The applicant has stated that he does not intend to develop the property until S. 84<sup>th</sup> Street is widened to four lanes. According to the 2000 Capital Improvement Program, the widening from South Street to Highway 2 should be complete by the end of 2004. It is appropriate to allow this temporary use to continue for five more years to allow the widening to be completed. The current access to South 84<sup>th</sup> Street should be removed upon removal of the temporary construction business.
3. At the public hearing, the staff proposed a revision to Condition #1.1.2 after further discussion with Public Works and the applicant regarding the access driveway to 84<sup>th</sup> Street (See Condition #1.1.2 on p.4, and Minutes, p.6).
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation of conditional approval, with the revision to Condition #1.1.2.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** February 5, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** February 5, 2001

**REFERENCE NUMBER:** FS\CC\FSSP1313A

## **LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.#:** Special Permit #1313 'A'

**Date:** October 23, 2000

**\*\*As Revised by staff and approved by Planning Commission 11/01/00\*\***

**PROPOSAL:** Request to extend the time period and reduce the area of a special permit for Temporary Storage of Construction Equipment and Materials at approximately 84<sup>th</sup> and Glynoaks Drive.

### **GENERAL INFORMATION:**

**OWNER:** Hampton Enterprises  
1660 S. 70<sup>th</sup> Street, Suite 203  
Lincoln, NE 68506

**CONTACT:** Brian Carstens, Carstens Associates  
2935 Pine Lake Road, Suite H  
Lincoln, NE 68516  
(402) 434- 2424

**LOCATION:** Generally west of 84<sup>th</sup> Street and south of the future Glynoaks Drive

**LEGAL DESCRIPTION:** A portion of Lot 64 Irregular Tracts in the southeast quarter of Section 10, Township 9 North, Range 7 East of the 6<sup>th</sup> P. M., Lincoln, Lancaster County, Nebraska, more particularly described on the attached sheet.

**EXISTING ZONING:** AG Agricultural

**SIZE:** 8.0 acres more or less

**EXISTING LAND USE:** Temporary storage of construction equipment and materials.

**SURROUNDING LAND USE AND ZONING:** To the north and east the zoning is R-3 Residential and is in the process of developing with a mix of single family and single family attached homes. To the south and west is AG Agricultural zoning that is proposed for R-3 zoning.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 1994 Lincoln/Lancaster County Comprehensive Plan designates this area as Urban Residential with an area designated as an Urban Village to the north.

### **HISTORY:**

The property was converted from A-1 Single Family Dwelling and A-A Rural and Public Use to R-3 Residential and AG Agricultural in the 1979 zoning update.

On **March 27, 1989**, City Council approved Special Permit #1313 on a portion of the property; this permit allowed the temporary storage of construction equipment. At the same time the City Council approved changing the zoning from R-3 Residential to AG Agricultural to permit the special permit.

The property is currently within the Corporate Limits of Lincoln. Portions were annexed in 1996, 1998 and 1999.

**ASSOCIATED REQUESTS:** Special Permit #1876 for a child care facility, Change of Zone #3272 from AG to R-3 and Preliminary Plat #00021 Hartland Homes 1<sup>st</sup> East which were approved at the October 18<sup>th</sup> Planning Commission meeting. Change of Zone #3288, a text amendment for temporary storage of construction equipment is also on the November 1<sup>st</sup> meeting.

**ANALYSIS:**

1. On March 27, 1989, the City Council approved Special Permit #1313 by Resolution A-72688. The approval was for the maximum time period possible of 10 years. This allowed the use to continue until March 27, 1999.
2. In August 1996 the owner received approval of an administrative amendment to extend the time period to March 27, 2009. However, this approval is contrary to Section 27.63.590 (e) administrative amendments are limited to one year. Thus the administrative amendment is void.
3. Section 27.63.590 Permitted Special Use: Temporary Storage of Construction Equipment and Materials states the following:

Temporary storage of construction equipment and materials may be allowed by special permit in the AG zoning district under the following conditions:

  - (a) The site shall be located in or within one mile of the future urban area as designated in the Comprehensive Plan.
  - (b) Such use shall comply with the height, and area regulations of the AG district; except that the City Council may reduce the minimum lot area to ten acres.
  - (c) The combined area of indoor and outdoor storage on the site shall not exceed two acres and such area shall be fenced.
  - (d) The building and outdoor storage area shall be screened in accordance with city design standards.
  - (e) Such use shall be permitted for a period which shall be determined by the City Council with reference to the anticipated urbanization of the surrounding area in accordance with the Comprehensive Plan and the Capitol Improvements Plan provided such period shall not exceed ten years. The permittee may request an administrative amendment for an extension of the use in one year increments. (Ord. 15133; March 27, 1989).
4. In Change of Zone #3288 the applicant proposes to amend Section 27.63.590 to allow the City Council to extend the time period of approval for this type of special permit and to allow the special permit on lots smaller than 10 acres in size.
5. Except for the time period and lot size, the application still complies with all the other standards. The surrounding area is still under development with several large vacant parcels.
6. The special permit allows for a commercial use not otherwise allowed in residential or agricultural zoning district. The intent is for the use to be temporary. The applicant's property is designated as an "Urban Village" in the Comprehensive Plan, which could permit a small area to be developed as a future mixed use center oriented to the surrounding neighborhood.

## **CONCLUSION:**

The intent of the special permit is for the use to be temporary as the surrounding area develops. The surrounding neighborhood, while more developed than in 1989 (when the permit was first approved) is still not completely developed. The temporary site is well buffered from surrounding residential uses for the moment due to the existing tree masses, screening and physical distance over several hundred feet to the nearest planned residential dwelling unit. Once this property develops residentially, the construction storage yard should be removed.

The special permit is for a temporary basis. It has existed on the site for over 11 years. The applicant has stated that he does not intend to develop the property until S. 84<sup>th</sup> Street is widened to four lanes. According to the 2000 Capital Improvement Program, the widening from South Street to Highway 2 should be complete by the end of 2004. It is appropriate to allow this temporary use to continue for five more years to allow the widening to be completed. The current access to South 84<sup>th</sup> Street should be removed upon removal of the temporary construction business.

**RECOMMENDATION:** Approval with the following conditions:

## **CONDITIONS:**

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 Show the trail easement from the Hartland Homes East 1<sup>st</sup> preliminary plat on the plan and provide the following to the satisfaction of Parks and Recreation Department: 1) move the trail easement closer to the back of the lot lines in order to better conform to the design standards for grades for trail easements; 2 add a note that the final location of trail easement will be made to the satisfaction of Parks and Recreation Department.
    - 1.1.2 Add a note that the access driveway to 84<sup>th</sup> Street is for temporary use. Access to this property shall be determined at the time of redevelopment. ~~applicant will relinquish access to 84<sup>th</sup> Street as shown at such time as the temporary use is removed.~~  
**(\*\*As revised by staff and approved by Planning Commission 11/01/00\*\*)**
    - 1.1.3 Remove the note from the plans.
    - 1.1.4 A signed surveyor's certificate on the plan.
2. This approval permits the Temporary Storage of Construction Equipment and Materials for a period from March 27, 1989 to five years from the date of the approval of this Special Permit 1313 A. The time may be extended by administrative amendment.
  - 2.1 The City Council shall have approved Change of Zone #3288 or this special permit is not in effect.

General:

3. Before receiving building permits:

3.1 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Stephen Henrichsen, AICP  
Planning Department

## SPECIAL PERMIT NO. 1313A

### CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 1, 2000

Members present: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer; Duvall and Hunter absent.

Planning staff recommendation: Conditional approval.

#### Proponents

Steve Henrichsen of the Planning staff stated that after further discussions with Public Works and the applicant, the staff is amending Condition #1.1.2 to read as follows: "Add a note that the access driveway to 84<sup>th</sup> Street is for temporary use. Access to this property shall be determined at the time of redevelopment". This makes it clear that this driveway may not be continued in the future, but at such time as there are plans to redevelop the site, we would decide if the access should remain or not.

#### Proponents

**1. Brian Carstens** testified on behalf of the applicant. The Planning Commission recently approved the preliminary plat of Hartland Homes East 1<sup>st</sup> Addition, which included a triangular section of Hampton Enterprises property used for growing nursery stock. It was determined that Betty Lou Lane would abut the floodplain and thus there was a change of zone to R-3. That change of zone took a portion of the AG zoning being used for the temporary storage of construction equipment and materials under Special Permit No. 1313 so that it is less than 10 acres. That is the reason for the text amendment heard previously today as Change of Zone No. 3288. Nothing will be changed except for the trees being removed out of that corner. It will stay as is at this time.

The applicant agrees with the change to Condition #1.1.2.

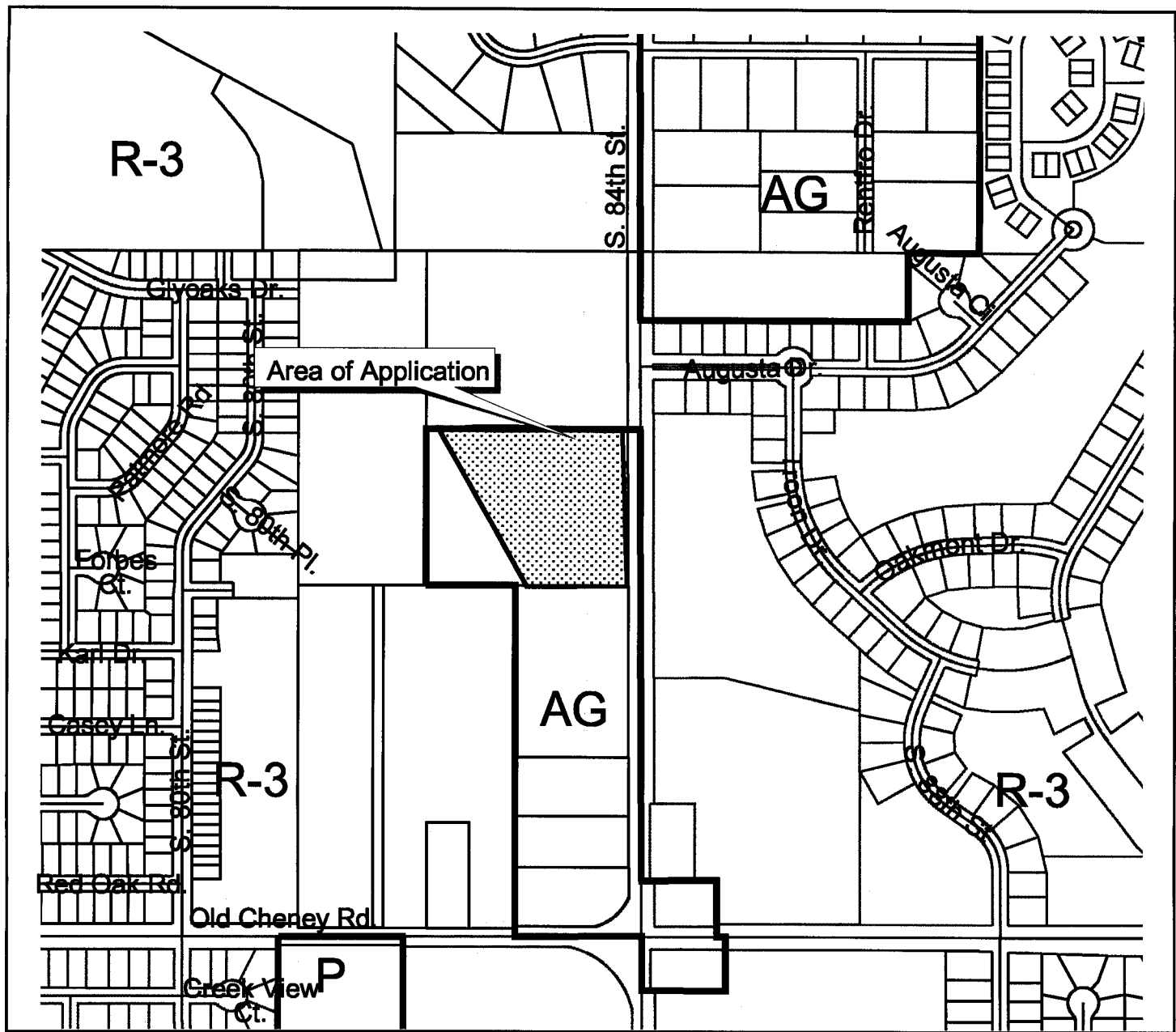
There was no testimony in opposition.

Public hearing was closed.

### ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

November 1, 2000

Carlson moved to approve the Planning staff recommendation of conditional approval, with amendment to Condition #1.1.2, seconded by Newman and carried 7-0: Krieser, Carlson, Schwinn, Taylor, Steward, Newman and Bayer voting 'yes'; Duvall and Hunter absent.



## Special Permit #1313A S. 84th & Old Cheney Rd.

### Zoning:

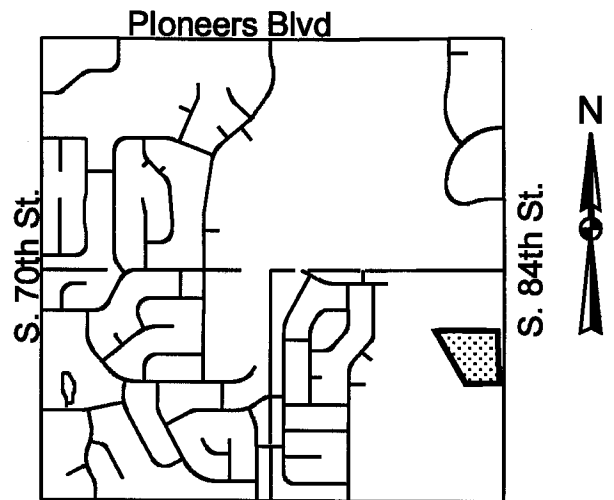
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 10 T9N R7E



Zoning Jurisdiction Lines

City Limit Jurisdiction



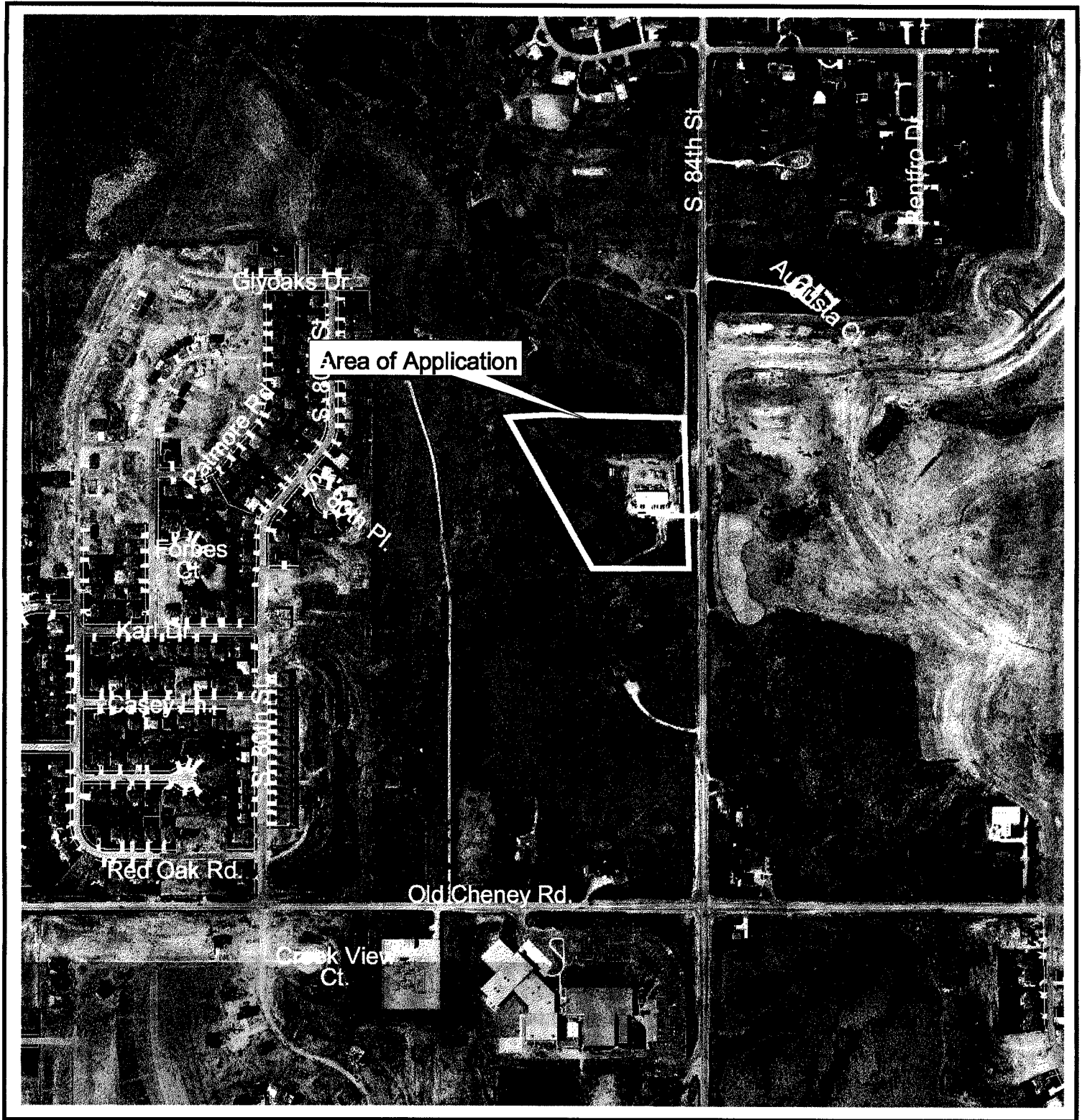
Old Cheney Rd.

Sheet 1 of 3

Date:

Lincoln City - Lancaster County Planning Dept.

007



**Special Permit #1313A**  
**S. 84th & Old Cheney Rd.**



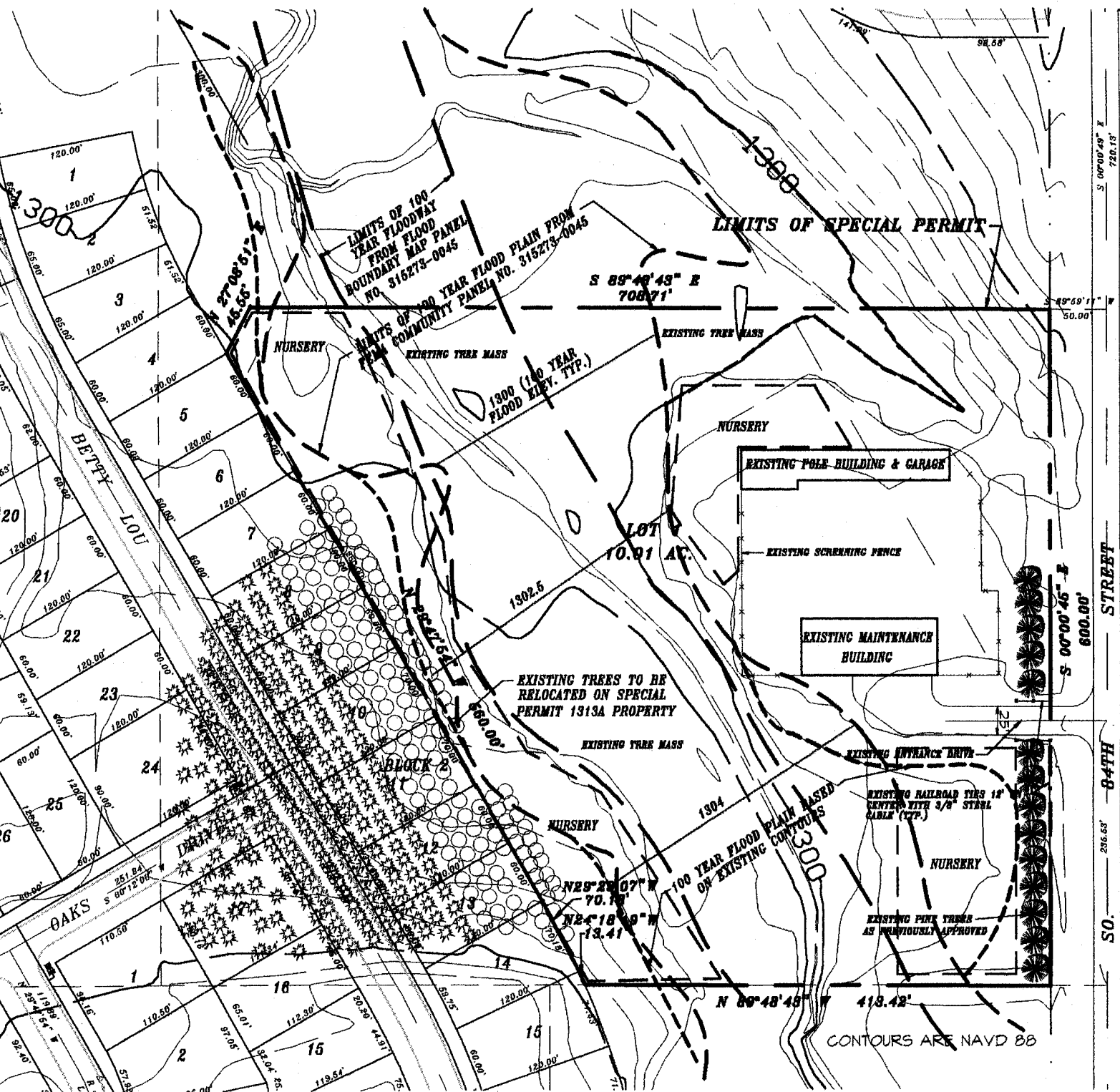
Sheet 2 of 3

Date: \_\_\_\_\_

Photograph Date: 1999 **008**

Lincoln City - Lancaster County Planning Dept.





**Special Permit #1313A**  
**S. 84th & Old Cheney Rd.**



Sheet 3 of 3

Date: 10/18/00

Photograph Date: 1999 **009**

Lincoln City - Lancaster County Planning Dept.

## LEGAL DESCRIPTION/ SPECIAL PERMIT: # 1313A

A portion of Irregular Tract 64 of the East One Half of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the East Quarter Corner of Section 10, Township 9 North, Range 7 East and continuing along the East Section Line on a bearing of S 00°00'49" E, a distance of 720.13 feet, Thence S 89°59'11" W, a distance of 50.00 feet to the POINT OF BEGINNING;

Thence along the West Right-of-Way line of South 84th Street on a bearing of S 00°00'45" E, a distance of 600.00 feet; Thence Westerly on a bearing of N 89°48'43" W, a distance of 413.42 feet; Thence Northwesternly on a bearing of N 24°18'19" W, a distance of 13.41 feet; Thence continuing in a Northwesternly direction on a bearing of N 27°29'07" W, a distance of 70.18 feet; Thence in a Northwesternly direction on a bearing of N 29°47'54" W, a distance of 560.00 feet; Thence in a Northeasterly direction on a bearing of N 27°08'51" E, a distance of 45.55 feet; Thence Easterly on a bearing of S 89°48'43" E, a distance of 709.69 feet to the Point of Beginning and containing a calculated area of 347,691.39 Square Feet or 7.98 Acres more or less.

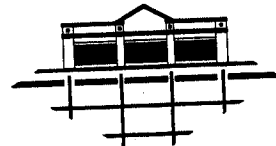
## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY WAS MADE UNDER MY SUPERVISION AND THAT I AM A LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

11-7-00 Lyle L. Loth  
DATE LYLE L. LOTH L.S. #314

## NOTES:

1. THE FINAL LOCATION OF THE TRAIL EASEMENT WILL BE MADE TO THE SATISFACTION OF PARKS AND RECREATION DEPARTMENT.
2. THE ACCESS DRIVEWAY TO 84TH STREET IS FOR TEMPORARY USE. ACCESS TO THIS PROPERTY SHALL BE DETERMINED AT THE TIME OF REDEVELOPMENT.



**BRIAN D.  
CARSTENS  
& ASSOCIATES**

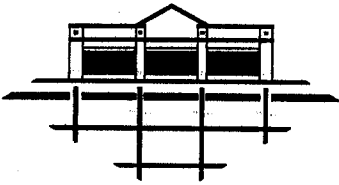
**LAND PLANNING**

**RESIDENTIAL  
& COMMERCIAL  
DESIGN**

2935 PINE LAKE ROAD  
SUITE 'H'  
LINCOLN, NE 68516

PHONE: (402) 434-2424  
FAX: (402) 434-0467  
© 2000 CARSTENS, INC.

**NURSERY  
MAINTENANCE**  
O. STODACE



**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

September 21, 2000

Ms. Kathleen Sellman, AICP  
Director of Planning  
Lincoln City- Lancaster County  
Planning Department  
555 South 10th Street  
Lincoln, NE 68508

RE: SPECIAL PERMIT #1313-A - 5401 SOUTH 84TH STREET  
TEMPORARY STORAGE OF BUILDING EQUIPMENT & MATERIALS

Dear Ms. Sellman,

On behalf of Hampton Enterprises, Inc., we are submitting the following Special Permit #1313-A to reconfigure the boundary around the existing Special Permit #1313. We are revising this boundary as requested by Ray Hill, due to the proposed Hartland Homes East 1st Addition Preliminary Plat that covers approximately 3 acres of the existing Special Permit #1313 boundary.

We have drawn a new boundary for the Special Permit and included the previously approved buildings and parking, storage, and nursery areas. All previously approved conditions of Special Permit #1313 shall remain in effect.

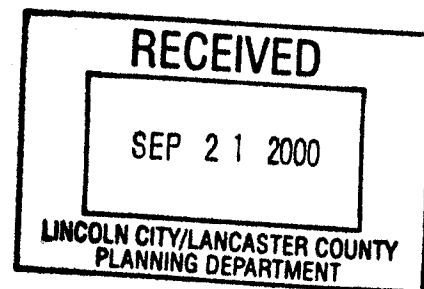
Please contact me if you have any further questions.

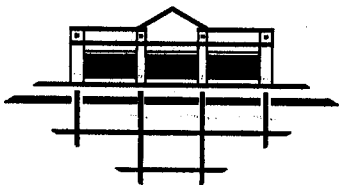
Sincerely,

Brian D. Carstens

cc. Joe Hampton, Hampton Enterprises, Inc.  
Lyle Loth, E.S.P.  
Duane Hartman, Hartland Homes, Inc.

Enclosures: 16 Copies of each Sheet 1 of 1  
Application for a Special Permit  
Application Fees of \$585.00  
Certificate of Ownership (being submitted)  
8-1/2" x 11" reductions of the plans





**BRIAN D. CARSTENS AND ASSOCIATES**  
LAND PLANNING RESIDENTIAL & COMMERCIAL DESIGN  
2935 Pine Lake Road, Suite H Lincoln, NE 68516 Phone: 402.434.2424

October 10, 2000

Mr. Stephen Henrichsen, ACIP  
Planning Department  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: SPECIAL PERMIT #1313A- HAMPTON CONSTRUCTION YARD/ STORAGE

Dear Steve,

As per our meeting on Monday, with Joe Hampton and Lyle Loth, I am submitting a revised site plan for the above mentioned Special Permit, to revise the boundary. The boundary is similar to the existing Special Permit, except a triangular shaped piece in the southwest corner has been removed, due the associated Change of Zone from AG to R-3 that has been filed in connection with the Preliminary Plat of Heartland Homes East 1st Addition.

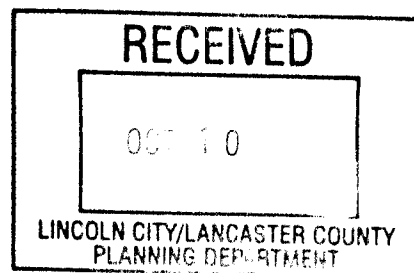
We request no other changes at this time. Please contact me if you have any further questions or comments.

Sincerely,

Brian D. Carstens

cc: Joe Hampton  
Lyle Loth

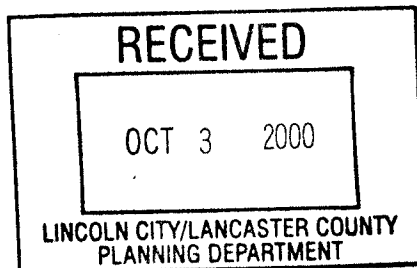
ENCLOSURES: 6 Copies of Sheet 1 of 1



# Memorandum

**To:** Ray Hill, Planning Department  
**From:** Charles W. Baker, Public Works and Utilities *CB*  
**Subject:** Special Permit # 1313A, Hampton Nursery /Maintenance Building  
**Date:** October 2, 2000  
**cc:** Allan Abbott, Roger Figard

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan to reconfigure the boundary of Special Permit #1313 located at 5401 South 84<sup>th</sup> Street for Hampton Nursery and Maintenance Building and has no objections.



jaj SP1313AHamptonNurseryMaintBldg cwb